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DEC 03 2009

OFFICE OF PETITIONS

In re Application of :
George Earl Peterson :
Application No. 09/915,963 : ON PETITION
Filed: July 26, 2001 :
Attorney Docket No. 18 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 25, 2009, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." This is **not** a final agency decision within the meaning of 5 USC 704.

The above application became abandoned for failure to timely seek judicial review of the decision by the Board of Patent Appeals and Interferences, mailed June 22, 2009. Pursuant to 37 CFR 1.304, applicants had two months to judicial review. No review having been sought, the application became abandoned on August 23, 2009. The Office mailed a Notice of Abandonment on September 28, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date

for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

With the instant petition, applicants have filed an Amendment. An Amendment is not a proper reply in the instant situation, as prosecution is closed. The Board decision, sustaining the Examiner in full, did not set forth any new grounds of rejection under 37 CFR 41.50(b). Applicants may file an RCE to have the Amendment entered. See MPEP 1214.07.

No additional petition fee is due on renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571)273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
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